

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
February 17, 2010**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Edward Zimmerman at 7:30 PM followed by the salute to the Flag.

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

The following statement was read into the record by Mayor Zimmerman: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings transmitted to the Courier News and Somerset Spectator on January 6, 2010. Notice remains continuously posted as to required notices under the Statute. A copy of this notice is available to the public and is on file in the Office of the Borough Clerk.

ROLL CALL

Mr. Jeff Donahue-present, Ms. Linda Goldman-present, Mr. Mark Pausch-present
Late arrival: Ms. Julia Hasser (7:45PM – Committee Reports)

Absent: Mr. James Banks, Mr. Robert Steen

Also present: Borough Attorney Albert Cruz, CFO Joseph Monzo

MAYOR'S COMMENTS

- Reminder was offered of the budget workshop scheduled for 2/22/10 at 7:30 pm; CFO Monzo distributed reports including worksheet for the calculation of the Reserve for Uncollected taxes, revenues and expenditures for 2009 and a rough draft of budget numbers for 2010 for review by Council for the budget workshop. The spending cap and tax levy cap implications to be discussed at the budget workshop. Mayor Zimmerman requested that Council be prepared to present proposed projects for 2010 at the budget workshop. He related his objective to not raise taxes this year.
- Response was received from Somerset Executive County School Business Administrator John Bolil to Mayor Zimmerman's letter requesting the refund of \$3,480.00 of non-public transportation aid that was due to the Rocky Hill Board of Education but was issued to the Montgomery Township Board of Education. Mr. Bolil's letter of 2/3/10 related that he consulted with Business Administrator Tom Venanzi of Montgomery Township Board of Education and they are in agreement that a refund check for \$3,480.00 will be issued to the Borough.
- The Mayor complimented the County on the job well done on the clearing of the streets throughout the Borough during the recent snow storms. Thank you was extended to the First Reformed Church for the prompt removal of a tree limb that fell down on their property during the storm.
- NJ Conference of Mayors – Motion was made by Goldman with a second by Donahue authorizing the Mayor's attendance at this conference. Motion carried on roll call vote - all ayes.
- Mayor Zimmerman related that the NJ Monthly Magazine has issued rankings of the best towns in New Jersey and Rocky Hill has moved up to #61 from previous ranking of #102.

Appointments

- Somerset County Community Development Committee – appointment held over.
- Somerset County Solid Waste Advisory Committee – (2) reappointments – held over.

APPROVAL OF MINUTES

Regular Meeting Minutes – February 1, 2010 - Motion was made by Goldman with a second by Donahue for the approval of the minutes as presented. Motion carried on roll call vote - all ayes.

Executive Session Meeting Minutes – February 1, 2010 - Motion was made by Donahue with a second by Goldman for the approval of the minutes as presented. Motion carried on roll call vote – all ayes.

REQUEST OF COUNCIL FOR NEW OR OLD BUSINESS (NOT ON AGENDA)

Executive Session – Addition of “Contract Discussions – Montgomery Township – Recreation”; “Contract Discussions – Montgomery Township – Sewer”; Contract Discussions – South Bound Brook Police Department”.

New Business – Request for Use of Borough Grounds – Rocky Hill Community Group

PUBLIC COMMENT

The floor was opened to the public for comments/questions:

Tom Bremner, Crescent Ave. – Mr. Bremner advised that he was present on behalf of the Rocky Hill Community Group in regard to the request for the use of the Borough grounds.

APPROVAL OF VOUCHERS TO BE PAID

Bill list dated 2/17/10 was presented for approval. CFO Monzo requested that check #5904 to Scarinci Hollenbeck be pulled until confirmation is made on the terms of the contract. Motion was made by Goldman with a second by Pausch for the approval of the bill list with the exception of check #5904 in the amount of \$9,894.37. Motion carried on roll call vote – all ayes.

DEPTMENTAL REPORTS

Tax Collector – January 2010
Court Administrator – January 2010

The Court Administrator’s report was summarized by Mayor Zimmerman. Motion was made by Goldman with a second by Pausch to accept the reports as submitted. Motion carried on roll call vote –all ayes.

(Council member Hasser arrived – 7:45 PM)

COMMITTEE REPORTS:

Administration & Records – Council member Goldman advised that web site visits are up by 16%. The Borough’s website provider assisted with fixing the RSS feed that was recently down. Mayor Zimmerman related that the email quota was recently exceeded; he requested that message boxes be evaluated for possible purging. Mayor Zimmerman related a problem with residents parking in the Borough parking lot during snow storms causing a problem for the snow plows. Mayor Zimmerman requested that Ms. Goldman review the Borough’s ordinances relative to parking whereas a provision should be added prohibiting parking on Borough property during snow storms.

Buildings & Grounds – Council member Donahue reported that the Borough Hall doorbell was repaired as requested by the nursery school.

Finance & Insurance – No report at this time; budget workshop scheduled.

Public Safety & Emergency Services – Council member Pausch related that he spoke with NJSP Lt. Skelton who advised he will provide monthly reports, however, no report has been received to date. A training session is scheduled for 3/24 at the firehouse for the use of the portable radios.

Streets & Roads – Council member Hasser provided additional information on the tree limb down on Crescent Ave. as discussed earlier. Pot hole on Montgomery Ave. has been filled; Ms. Hasser expressed concern with continuing to fill the pot holes during the inclement weather. Ms. Hasser will make contact with the Yuchmow’s on Merritt Lane in regard to the low hanging wire across their driveway.

Water, Sewer & Environmental Protection – Council member Pausch provided the water reports from Superintendent Merk for the months of December and January (copy on file) on behalf of Council member Steen.

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Council Representative to Planning Board – Council member Goldman reported that the Planning Board meeting was cancelled due to inclement weather. Ms. Goldman presented information on S-82 and the NJ League of Municipalities' request for support in opposing this legislation. Council member Goldman and Attorney Cruz provided an overview of the proposed legislation and impact of same on municipalities' land use regulations relative to the filing of land use applications. **Resolution 2010-31 - Resolution Opposing Legislation amending the Time of Decision Rule** was presented for consideration of adoption by Council. Motion was made by Goldman with a second by Hasser for the adoption of the resolution opposing the legislation amending the time of decision rule. Motion carried on roll call vote – all ayes. Copy of memorialized resolution to be filed with the NJLM, Governor's Office, and local legislators.

Council Liaison to Education Committee – A copy of the brief filed by Special Counsel Giacobbe was distributed to Council via email.

Council Representative to Board of Health – Council member Goldman reported that all seven eating establishments within the Borough have been licensed. Bill for \$1200.00 has been received from South Brunswick for Animal Control Services rendered in 2009 (8 calls). Somerset County will include the flu vaccination clinic for 2010 in their contract for services; notice will be provided that Rocky Hill residents will not be charged for the vaccination at the clinic. The County is in the process of scheduling a rabies clinic some time in April.

Zoning Officer – No report at this time.

Grants Committee – Council member Pausch reported that the Panicaro Park Committee recently met; Planner Lee received plans from Engineer Tanner and a proposal is being developed. It was noted that Sam Panicaro stepped down from the Committee, however, the Committee will continue to seek his input. A copy of the 2010 Somerset County Historic Preservation Grant Program literature was provided to Council member Pausch by Mayor Zimmerman. A copy will be provided to the Planning Board.

SPECIAL BUSINESS

None presented at this time.

UNFINISHED BUSINESS:

None presented at this time.

NEW BUSINESS:

Request for Use of Borough Grounds – Rocky Hill Community Group – Email dated 2/17/10 was received from Courtney White requesting the use of the Borough grounds and the holding of the following events by the Community Group as follows:

- Spring Egg Hunt – 4/3 at 11:00 AM – behind Borough Hall;
- Earth Day Clean-up – 4/24 – 9:30 or 10:00 AM – behind Borough Hall and/or Van Horne Park;
- Town-wide Yard Sale – 5/8;
- Fourth of July Picnic and Parade – 7/3 – behind Borough Hall.

Motion was made by Hasser with a second by Donahue approving the requests. Motion carried on roll call vote – all ayes. The need for police services is to be discussed relative to the town-wide yard sale.

COMMUNICATIONS:

Communications as listed were distributed, disseminated and filed accordingly.

- Thank you letter was received from Janet Raffaelli;
- Letter dated 2/9/10 from Middle Earth, Re: Hills of Somerset County Bicycle Race to be held on 5/29/10 – Permission to allow cyclists to pass through the Borough;
- Letter dated 2/10/10 from Stony Brook Millstone Watershed, Re: State of the Watershed 2010 Report.

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FINAL PUBLIC COMMENT

The floor was opened to the public for comments/questions:

Cliff Moore, Skillman Ave. – Mr. Moore provided information on a recent article in the NY Times regarding defective pipes being used for water lines which may be relevant to the recent problems being encountered by the Borough with broken water lines, specifically on Hickory Court. Mayor Zimmerman will follow-up on the information provided.

Peggy Harris, Crescent Ave. – In response to the discussion concerning parking provisions during snow storms, Ms. Harris suggested that consideration should be given to imposing restrictions on the lower end of Crescent Ave. due to problems being encountered there. She offered that there are provisions in effect for County Route 518 and signage is in place for same but she's not sure if there are provisions in effect for the local roads within the Borough.

Tom Bremner, Crescent Ave. – Mayor Zimmerman will provide a copy of the school board brief to Mr. Bremner as requested.

EXECUTIVE SESSION – Resolution 2010-32 – Contract Discussions – Montgomery Township – Van Horne Park; Contract Discussions – Montgomery Township – Recreation; Montgomery Township – Sewer; Contract Discussions – South Bound Brook Police Department - Resolution to retire into executive session for the above-referenced matters was read into the record by Clerk Griffiths. Motion was made by Hasser with a second by Goldman for the approval of the resolution. Motion carried on voice vote – all ayes. (8:20PM)

RESULTS OF EXECUTIVE SESSION (9:03PM)

Results not available to the public at this time.

ADJOURNMENT:

Motion was made by Hasser with a second by Goldman to adjourn the meeting at 9:03 PM. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk

EXPLANATION: THIS RESOLUTION ALLOWS THE BOROUGH COUNCIL TO RETIRE INTO EXECUTIVE SESSION.

BOROUGH OF ROCKY HILL

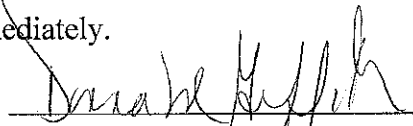
RESOLUTION 2010 - 32

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12(b) (1-9) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is of the opinion that such circumstances exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action on the executive Session of February 17, 2010;
2. The general nature of the subject matter to be discussed is as follows:
 - Contract Discussions – Montgomery Township – Van Horne Park;
 - Contract Discussions – Montgomery Township – Recreation;
 - Contract Discussions – Montgomery Township – Sewer;
 - Contract Discussions – South Bound Brook Police DepartmentMinutes of said discussion will be made available as soon as it is deemed in the public interest to do so.
3. The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.
4. This Resolution takes effect immediately.



Donna M. Griffiths, RMC
Borough Clerk

CERTIFICATION

I, Donna M. Griffiths, Borough Clerk of the Borough of Rocky Hill, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council at a regular meeting of said Council held on February 17, 2010.

Donna M. Griffiths, RMC
Borough Clerk